

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

Chipotle Mexican Grill, Inc.

Case 07-RC-298859

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. COMMERCE. The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, Chipotle Mexican Grill, Inc., a Delaware corporation with an office and place of business located at 5805 W. Saginaw Hwy., Lansing, Michigan, is engaged in the operation of public restaurants selling food and beverages. During the calendar year ending December 31, 2021, the Employer derived gross revenues in excess of \$500,000. During the same period, the Employer purchased and received at its Lansing, Michigan facility goods valued in excess of \$5,000 directly from points outside the State of Michigan.

3. LABOR ORGANIZATION. Local 243, International Brotherhood of Teamsters is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. ELECTION. A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

DATE: August 25, 2022 **HOURS:** 10:30 a.m. to 11:30 a.m. and
4:30 p.m. to 5:30 p.m.

PLACE: In a tent located outside and in the back of the Employer's restaurant located at 5805 W. Saginaw Hwy, Lansing, Michigan

The Regional Director has and retains full and complete discretion to determine whether it is unsafe, for any reason, to conduct a manual election on the stipulated date. Further, if the Regional Director determines a manual election is unsafe, or if the election is postponed or cancelled for any other reason, the Regional Director has and retains sole and complete discretion to reschedule the date, time, location, and/or manner of the election, including converting the election to a mail ballot election, as she deems appropriate.

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Initials: MEL
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All full-time and regular part-time Crew members employed by the Employer at its facility located at 5805 West Saginaw Highway, Lansing Michigan; but excluding kitchen managers, service managers, apprentices, general managers, clerical employees, confidential employees, managerial employees, professional employees and guards and supervisors as defined by the Act, and all other employees.

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending July 17, 2022**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, and, in a mail ballot election, before they mail in their ballots to the Board's designated office, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

6. VOTER LIST. Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

7. THE BALLOT. The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by Teamsters Local 243, International Brotherhood of Teamsters?" The choices on the ballot will be "Yes" or "No".

8. NOTICE OF ELECTION. The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, **at least three (3) full working days prior to 12:01 a.m. of the day**

Initials: MEX

of the election. The Employer must also distribute the Notice of Election electronically, if the Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

9. NOTICE OF ELECTION ONSITE REPRESENTATIVE. The following individual will serve as the Employer's designated Notice of Election onsite representative:

(b) (6), (b) (7)(C)

Chipotle Mexican Grill, 610 Newport Center Drive, Newport Beach, CA 92660

email address — (b) (6), (b) (7)(C)@chipotle.com

facsimile number — n/a

phone number — (b) (6), (b) (7)(C)

10. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

11. OBSERVERS. Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally. Each party may designate an observer or observers to participate in the count, including challenging the eligibility of voters.

12. TALLY OF BALLOTS. Upon conclusion of the last voting session, all ballots cast will be comingled and counted, and a tally of ballots prepared and immediately made available to the parties.

13. POSTELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

14. REQUIRED COVID-RELATED CERTIFICATIONS.

Pre-Election Certification--Employer. By entering into this stipulation for a manual election, the Employer certifies that there have been no individuals present in its facility for the previous 14 days that have tested positive for COVID-19 or are awaiting test results, exhibiting characteristic symptoms or have had contact with anyone who has tested positive in the previous 14 days. Following approval of this stipulation, the Employer agrees that it must notify the Region immediately if there are any changes to the facility's COVID-19 status, as described herein.

Certification Form A--Employer. The Employer will complete and submit GC 20-10 COVID-19 Certification Form A to the Region within the time frame set forth on the form. Form A will be considered by the Regional Director in determining whether conducting the election manually will jeopardize public health. Failure to provide accurate or timely forms may result in the election being cancelled, rescheduled, or converted to a mail ballot election.

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Certification Form B--for each Party, Party Representative, and Observer. Each party, party representative, and observer participating at the pre-election conference, serving as an election observer, or participating in the ballot count, must complete and submit GC 20-10 COVID-19 Certification Attachment B. Individuals for which Form B was not submitted will not be permitted to be physically present at the pre-election conference, to serve as an observer during the election or at the ballot count.

Post-Election Certifications-Petitioner, Union, and Employer. All parties must notify the Regional Director in writing, within 14 days after the day of the election, if any individuals who were present in the facility on the day of the election: (a) have tested positive for COVID-19 (or have been directed by a medical professional to proceed as if they have tested positive for COVID-19, despite not being tested) within the prior 14 days; (b) are awaiting results of a COVID-19 test; (c) are exhibiting symptoms of COVID-19, including a fever of 100.4 or higher; cough, shortness of breath; or (d) have had direct contact with anyone in the previous 14 days which has tested positive for COVID-19 (or who are awaiting test results for COVID-19 or have been directed by a medical professional to proceed as if they have tested positive for COVID-19, despite not being tested).

15. SAFETY PROTOCOLS. Given the ongoing COVID-19 pandemic, in order to protect the voters, observers, Board agent(s), and others during the pre-election conference, election and ballot count, the following protocols will be applicable to this election. The Employer agrees to abide by the protocols outlined below. If these protocols cannot be followed (or attested to as required by Memorandum GC 20-10), the Regional Director reserves the right to cancel or reschedule the manual election or convert the election to a mail ballot election with ballots being mailed out on or as soon as practicable after the scheduled manual election date.

Voter Lists. A total of three (3) voter lists will be provided by the Board Agent in order to allow for social distancing between observers and Board Agent. Each party's observer will verbally notify the Board Agent whether they are checking or challenging a voter and the Board Agent will reflect the same on the voting list used by the Board Agent. Copies of the Board Agent's list will be provided to the parties following the election.

Masks Required. The Employer will provide CDC-conforming masks to voters and all other participants in the election. All voters, observers, party representatives, and other participants must wear CDC-conforming masks in all phases of the election, including the pre-election conference, in the polling area or while observing the count. The Employer will post signs immediately adjacent to the Notice of Election to notify voters, observers, party representatives, and other participants of the mask requirement. In accordance with the "Voting Place Notice", Form NLRB-QO17, the Board Agent has the discretion to advise a voter who is not properly masked in full conformance with CDC guidelines to leave the voting area and return when properly masked. Likewise, the Board agent has the discretion to advise a pre-election conference or count attendee who is not properly masked to leave the conference/count and return when properly masked.

Polling Area/Supplies to be Provided by the Employer. The Employer will provide an outdoor tent, and will be responsible for erecting, before 7:30 a.m. on August 25, 2022, said tent in the location specified above in Section 4 Election. The tent shall have at least one separate ingress entrance and at least one separate egress exit.

The Employer will provide the following for use in the polling area, at the pre-election

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conference and during the count:

- **Plexiglass barriers.** Plexiglass barriers should be sufficient in size and number to protect the observers and Board Agent from one another and protect the Board Agent and observers from other participants in the election (i.e., voters and representatives).

- **Hand sanitizer**

- **Gloves and disinfecting wipes** (for use by Board Agent and observers)

- **Glue stick or tape** (for sealing challenge ballot envelopes)

- **Disposable pencils without erasers** (sufficient in number so that each voter May mark their ballot using a pencil)

- **CDC-Conforming face masks for all participants** (see section above entitled "Masks Required")

Sanitize Polling Area. The Employer will sanitize the polling area the day of the election, prior to the start of the pre-election conference.

Election Area Layout and Social Distancing Requirements. Polling area must include a separate entrance and exit for voters, with markings to depict safe traffic flow throughout the polling area.

In the tent, the Employer must provide three separate tables spaced six feet apart for: (1) Board Agent; (2) Employer observer; and (3) Petitioner observer. Additionally, six-foot of distance must be marked on the floor to insure separation of observers, Board Agent, voters and other participants (such as during count or during Pre-election conference). The Employer will provide markings on the floor to remind and enforce social distancing requirements.

During the election, only one voter will be permitted to approach the observers' tables and election booth at a time to ensure social distancing. After clearance by the observers, the Board Agent will place an individual ballot on table for the voter and then step back to maintain social distance.

The Board Agent has the discretion to limit attendance at the counting of the ballots to the number of people who can maintain 6 feet of space between one another.

Chipotle Mexican Grill, Inc.

(Employer)

**Teamsters Local 243, International
Brotherhood of Teamsters**

(Petitioner)

By:

M. Liguowski 7/27/22
(Signature) (Date)

By:

(Signature)

(Date)

Print Name:

Michael E. Liguowski
Counsel for Employer

Print Name:

Recommended: Michael Madden 7/28/22
MICHAEL D. MADDEN, Field Examiner
(Date)

Date approved: _____

Regional Director, Region 07
National Labor Relations Board

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5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Initials: KM

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email address - (b) (6), (b) (7)(C)@chipotle.com

facsimile number - n/a

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Certification Form A--Employer. The Employer will complete and submit GC 20-10 COVID-19 Certification Form A to the Region within the time frame set forth on the form. Form A will be considered by the Regional Director in determining whether conducting the election manually will jeopardize public health. Failure to provide accurate or timely forms may result in the election being cancelled, rescheduled, or converted to a mail ballot election.

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Certification Form B--for each Party, Party Representative, and Observer. Each party, party representative, and observer participating at the pre-election conference, serving as an election observer, or participating in the ballot count, must complete and submit GC 20-10 COVID-19 Certification Attachment B. Individuals for which Form B was not submitted will not be permitted to be physically present at the pre-election conference, to serve as an observer during the election or at the ballot count.

Post-Election Certifications-Petitioner, Union, and Employer. All parties must notify the Regional Director in writing, within 14 days after the day of the election, if any individuals who were present in the facility on the day of the election: (a) have tested positive for COVID-19 (or have been directed by a medical professional to proceed as if they have tested positive for COVID-19, despite not being tested) within the prior 14 days; (b) are awaiting results of a COVID-19 test; (c) are exhibiting symptoms of COVID-19, including a fever of 100.4 or higher; cough, shortness of breath; or (d) have had direct contact with anyone in the previous 14 days which has tested positive for COVID-19 (or who are awaiting test results for COVID-19 or have been directed by a medical professional to proceed as if they have tested positive for COVID-19, despite not being tested).

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conference and during the count:

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- **Hand sanitizer**
- **Gloves and disinfecting wipes** (for use by Board Agent and observers)
- **Glue stick or tape** (for sealing challenge ballot envelopes)
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The Board Agent has the discretion to limit attendance at the counting of the ballots to the number of people who can maintain 6 feet of space between one another.

Chipotle Mexican Grill, Inc.

(Employer)

By:

(Signature)

(Date)

Print Name:

**Teamsters Local 243, International
Brotherhood of Teamsters**

(Petitioner)

By:

(Signature)

(Date)

Print Name:

Kyle McElroy
7/22/20
Kyle McElroy

Recommended:

Mill Madden 7/28/22

MICHAEL D. MADDEN, Field Examiner
(Date)

Date approved: _____

Regional Director, Region 07
National Labor Relations Board